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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/645,016

08/21/2003

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04770.00135

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22908 7590 05/11/2009  
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EXAMINER

SAX, STEVEN PAUL

ART UNIT

PAPER NUMBER

2174

MAIL DATE

DELIVERY MODE

05/11/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 10/645,016	<b>Applicant(s)</b> LAHDESMAKI, PETRI	
	<b>Examiner</b> Steven P. Sax	<b>Art Unit</b> 2174	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 14 April 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: \_\_\_\_\_.
- Claim(s) objected to: \_\_\_\_\_.
- Claim(s) rejected: \_\_\_\_\_.
- Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement(s)*. (PTO/SB/08) Paper No(s). \_\_\_\_\_
13. ☐ Other: \_\_\_\_\_.

/Steven P Sax/  
 Primary Examiner, Art Unit 2174

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues the Official Notice taken in the action is hindsight. Please note that Examiner is not taking the application into consideration when stating that it would be obvious to have the carousel extend beyond the perimeter in any dimension. The support for this comes from the art. As explained in response to applicant's previous arguments, Hoarty accomplishes the same effect with the same functionality, namely giving the impression of rotating the carousel in three dimensions. Claim 1 for example recites that the carousel is displayable as a plurality of carousel elements that rotate about an axis, and that the carousel extends beyond the perimeter of the display region, and furthermore only those elements on one side of the perimeter are displayed. Even in view of Figure 2D, since the display surface is truly two dimensional but representing a virtual three dimensional rotation, there will be elements that are blocked even though they are in the perimeter. The claim recitation "on one side of the perimeter" means on a side that would be facing a user in the virtual three dimensional representation, because if it means on the inside of the viewpoint of the perimeter, then some elements may be blocked. Furthermore, since the perimeter by its very nature is an enclosed line, the language "inside" or "outside" should be used if applicant is referring to that. And thus, displaying elements that are "on one side of the perimeter" is broad and may mean with respect to being beyond the perimeter in any particular dimension. With this, now turn to Hoarty. Hoarty shows the three dimensional virtual carousel rotating about an axis. Indeed, Hoarty shows that those elements that are on one side of the perimeter, and thus would not be blocked, are displayed. And those elements that virtually are on "the other side" of the perimeter are not displayed, because they are blocked given the actual two dimensional display perspective. Official Notice is taken merely that this extension beyond the perimeter may be in any dimension, not just virtual depth per se, because the very concept of the carousel even extending is only virtual. Using the same functionality and creating the same effect, Hoarty accomplishes the same thing, but in the event that "one side of the perimeter" may be a particular dimension or another, Official Notice is brought in. Applicant is urged to contact Examiner to discuss claim interpretation and remedy the remaining issues.